

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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DAVID KLUCKA,

Plaintiff,

v.

SUSAN ATKINSON, *et al.*,

Defendants.

Case No. 2:15-cv-02108-JAD-PAL

ORDER

**REPORT OF FINDINGS AND
RECOMMENDATION**

This matter is before the court on Plaintiff David Klucka's failure to comply with the Court's Order (Dkt. #2). This proceeding is referred to the undersigned pursuant to 28 U.S.C. § 636(b)(1)(B) and LR IB 1-4 of the Local Rules of Practice.

Plaintiff filed an Application to Proceed *In Forma Pauperis* (Dkt. #1). On May 9, 2016, the court entered an Order (Dkt. #2) denying Plaintiff's IFP application and dismissing Plaintiff's complaint for failure to state a claim. The court gave Plaintiff until June 3, 2016, to file an amended complaint if he believed he could correct the noted deficiencies in the complaint and to pay the \$400 filing fee. Plaintiff has not filed an amended complaint, paid the \$400 filing fee, requested an extension of time, or taken any other action to prosecute this case. Furthermore, Plaintiff has failed to keep the court apprised of his address in accordance with the Local Rules as the Order (Dkt. #2) was returned to the court "Attempted – Not Known, No new address." Accordingly,

IT IS RECOMMENDED that Plaintiff's Complaint (Dkt. #3) be **DISMISSED**.

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1 **IT IS FURTHER RECOMMENDED** that the Clerk of the Court be instructed to close
2 the case and enter judgment accordingly.

3 Dated this 9th day of June, 2016.

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6 PEGGY A. ZEEN
UNITED STATES MAGISTRATE JUDGE

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8 **NOTICE**

9 This Report of Findings and Recommendation is submitted to the assigned district judge
10 pursuant to 28 U.S.C. § 636(b)(1) and is not immediately appealable to the Court of Appeals for
11 the Ninth Circuit. Any notice of appeal to the Ninth Circuit should not be filed until entry of the
12 district court's judgment. *See* Fed. R. App. Pro. 4(a)(1). Pursuant to LR IB 3-2(a) of the Local
13 Rules of Practice, any party wishing to object to a magistrate judge's findings and
14 recommendations of shall file and serve *specific written objections*, together with points and
15 authorities in support of those objections, within 14 days of the date of service. *See also* 28
16 U.S.C. § 636(b)(1); Fed. R. Civ. Pro. 6, 72. The document should be captioned "Objections to
17 Magistrate Judge's Report of Findings and Recommendation," and it is subject to the page
18 limitations found in LR 7-3(b). The parties are advised that failure to file objections within the
19 specified time may result in the district court's acceptance of this Report of Findings and
20 Recommendation without further review. *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121
21 (9th Cir. 2003). In addition, failure to file timely objections to any factual determinations by a
22 magistrate judge may be considered a waiver of a party's right to appellate review of the findings
23 of fact in an order or judgment entered pursuant to the recommendation. *See Martinez v. Ylst*,
24 951 F.2d 1153, 1156 (9th Cir. 1991); Fed. R. Civ. Pro. 72.